

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS - AUSTIN DIVISION

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| <p style="text-align: center;">SPIRIT AEROSYSTEMS, INC.,</p> <p style="text-align: center;"><i>Plaintiff,</i></p> <p style="text-align: center;">v.</p> <p style="text-align: center;">W. KENNETH PAXTON, in his official capacity as Attorney General of Texas, AND JANE NELSON, in her official capacity as Secretary of State of Texas,</p> <p style="text-align: center;"><i>Defendants.</i></p> | <p>Civil Action No. 1:24-cv-00472-DII</p> |
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**DEFENDANTS' UNOPPOSED MOTION TO VACATE
PERMANENT INJUNCTION AGAINST JANE NELSON**

Defendants, through undersigned counsel, respectfully move the Court to vacate the Court's permanent injunction against Defendant Jane Nelson. In support thereof, Defendants state as follows:

The Federal Rules of Civil Procedure state that "On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons . . . (6) any other reason that justifies relief." Fed. R. Civ. P. 60(b).

On December 9, 2024, this Court adopted the report and recommendation of United States Magistrate Judge Mark Lane, permanently enjoining Defendant Paxton and declaring Texas's RTE statute facially unconstitutional. *See* Documents # 56, 58.

Defendant Paxton filed his Notice of Appeal from this Order and final judgment on December 10, 2024. *See* Document #59. The Notice of Appeal was filed by Defendant Paxton and did not include Defendant Nelson. *See id.*

On January 13, 2025, this Court granted Plaintiff's Unopposed Motion to Extend Declaratory Relief and Permanent Injunction to Defendant Jane Nelson. *See* Document # 65.

On July 17, 2025, the Court of Appeals for the Fifth Circuit vacated this Court's permanent injunction against Defendant Paxton. *See* Document # 75.

Because Defendant Nelson was not the subject of Defendant Paxton's appeal, but because the injunction entered against Defendant Nelson was based on the same grounds recently vacated by the Fifth Circuit, Defendants now separately move for the permanent injunction against Jane Nelson to be vacated pursuant to Federal Rule of Civil Procedure 60(b).

Defendants have conferred with Plaintiff regarding this motion, and Plaintiff does not oppose the motion.

Dated: July 31, 2025

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

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By: /s/ Scott Froman

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of July 2025, a copy of the foregoing document was filed using the Court's Electronic Case Filing System and served on all counsel of record that receive electronic notices of filing from that system by email.

/s/ Scott Froman

SCOTT FROMAN